

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT S. DORSEY, II, : Civil No. 3:19-cv-0113

Plaintiff : (Judge Mariani)

v.

REBECCA PETER, Lpn., et al., :

Defendants :

ORDER

AND NOW, this 29 day of March, 2021, upon consideration of Defendants' motion for partial judgment on the pleadings, **IT IS HEREBY ORDERED THAT** Defendants' motion (Doc. 45) is **GRANTED**, in part, and **DENIED**, in part as follows:

1. Defendants' motion for partial judgment on the pleadings is **GRANTED** as to Dorsey's *Bivens* claim against the United States and against Defendants Peters, Foura-White, Thompson, Brosius and Farley, in their official capacities. The Clerk of Court is directed to enter judgment in favor of these Defendants and against the Plaintiff.
2. Defendants' motion for partial judgment on the pleadings is **GRANTED** as to Dorsey's FTCA claims against the seven individually named Defendants, as the only proper Defendant to the FTCA claim is the United States. The Clerk of Court is directed to enter judgment in favor of Defendants Foura-White, Thompson, Brosius, Farley, "U.S. Attorney of the Middle District of PA" and "U.S. Attorney General of the U.S.A" and against the Plaintiff.
3. Defendants' motion for partial judgment on the pleadings is **GRANTED** as to Dorsey's unexhausted and untimely *Bivens* retaliatory transfer claim and as to Plaintiff's FTCA retaliation claim. The Clerk of Court is directed to enter judgment in favor of Defendants Farley, Foura-White, Thompson and Brosius

and against the Plaintiff.

4. Defendants' motion for partial judgment on the pleadings is **DENIED** with respect to Dorsey's claims against Defendant Peters.
5. Within twenty-one (21) days of the date of this Order, remaining Defendants, the United States and LPN Rebecca Peters may file a dispositive motion or other appropriate pretrial motion in accordance with the Federal Rules of Civil Procedure.



Robert D. Mariani
United States District Judge